

PLANNING & ZONING COMMISSION
March 9, 2009 Meeting

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Marshall Brown, Janet Ramsay, Jim Tatro, and Anthony Scarfo

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands Officer Jennifer Rodriguez, Town Engineer Dana Steele, and Town Planning Consultant Michael O'Leary

Chairman Gannuscio called the meeting to order at 7:10 pm.

Commission roll call was taken.

MINUTES:

Chairman Gannuscio referred to the February 9, 2009 meeting minutes and noted that he, Mr. Zimnoch, Mr. Brown, Ms. Ramsay, Mr. Tatro, Mr. Leiper and Mr. Scarfo were present at that meeting. He then asked the Commission members and staff for any comments or corrections. The Recording Secretary read the following corrections which had previously been submitted by Ms. Rodriguez: page 22, second paragraph, second sentence should read "Mr. O'Leary noted that 35 Towns had been..."; and page 23, first paragraph, first sentence should read "...to discuss the property located at 16 – 20 Old County Road which...". Mr. Steele then suggested the following correction: page 10, fourth paragraph, first sentence should read "Mr. Flynn stated that Mr. O'Leary had suggested a different configuration of the two non-connected rectangular parking lots." Mr. Gannuscio moved to accept the February 9, 2009 meeting minutes with Ms. Rodriguez' and Mr. Steele's suggested corrections. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

PUBLIC HEARINGS:

- a. Public hearing on the zone change application of M & L Development Corporation for the property located at Lot 3 Oak Ridge Drive rear and 363 South Center Street rear.**

Chairman Gannuscio stated that there had been a problem with the timing of the legal notice and that if they were to go forward with the hearing that evening there would be a flaw in the hearing, therefore he suggested that they reschedule the hearing. He then asked the Commission members and staff if they were available on March 30, 2009 to hold a special meeting for the M & L Development Corporation public hearing. Everyone was available for March 30th.

Chairman Gannuscio moved to reschedule the public hearing on the zone change application of M & L Development Corporation for the property located at Lot 3 Oak Ridge Drive rear and 363 South Center Street rear for March 30, 2009 at 7:00 pm. Mr. Brown seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. O’Leary asked if it would then push the hearing past the 65 day timeframe from the date the application had first been submitted. Ms. Rodriguez stated that they had received the application on January 12, 2009. Chairman Gannuscio stated that it would go beyond the 65 day period. Gary Merrigan then verbally granted a 65 day extension. Mr. Gannuscio asked him to also submit the extension in writing. Mr. Merrigan stated that he would do so.

Chairman Gannuscio suggested that they move on to Item VIII.b, Receive New Applications, before they proceeded with the scheduled Review. Everyone agreed to do so.

NEW BUSINESS:

b. Receive New Applications

- i. Site plan review application of American Honda Motor Company, Inc. for the property located at 555 Old County Road.**

Chairman Gannuscio moved to schedule a public hearing on the site plan review application of American Honda Motor Company, Inc. for the property located at 555 Old County Road for April 13, 2009. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

- ii. Special use permit application of Joseph Larrivee for the property located at 20 Old County Road.**

Chairman Gannuscio moved to schedule a public hearing for the special use permit application of Joseph Larrivee for the property located at 20 Old County Road for April 13, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

iii. Additional parking for Ayotte Brothers Construction Company, Inc. for the property located at 288 North Street.

Chairman Gannuscio asked Mr. O'Leary if he had received anything. Mr. O'Leary replied that he had received a letter and one page plan. He went on to say that he and Mr. Steele needed to get together with the applicant's engineer, but that it would be okay to schedule the site plan review for April 13, 2009. Ms. Rodriguez noted that she had received some calls concerning the property in question. She went on to say that the application was actually a result of an individual's concerns over the parking area expansion that had occurred without the Commission's approval. Mr. Gannuscio suggested that, due to the public concern and the need for some input, it be scheduled as a public hearing.

Chairman Gannuscio moved to schedule a public hearing on the site plan application of Ayotte Brothers Construction Company, Inc. for the property located at 288 North Street for April 13, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

REVIEWS:

a. Continued site plan modification application of WL Quagliaroli LLC for the property located at 11 Northgate Drive.

Attorney Paul Smith addressed the Commission and stated that Len Norton, Civil Engineer from East Windsor, was also present that evening. He went on to say that he had given a detailed presentation on the application at the Commission's previous meeting and that they had added the necessary information to the plan based upon Mr. O'Leary's comments. He then noted that there was an existing building that the applicant wanted to put an addition onto for equipment storage.

Attorney Smith stated that the revised plans now gave a complete overview of the entire site. He pointed out that the use would not change; the applicant operated a tree service and would continue to do so. He then explained that the applicant used the facility for equipment storage and for storage of materials from his work sites. Attorney Smith noted that there was no public access to the site and that most of the work was done off-site. He then reiterated that the expansion would allow the applicant more interior storage for some of his vehicles and equipment.

Attorney Smith stated that most of the site (outside) was used for firewood storage or temporary storage of mulch and topsoil that was generated in the applicant's business. He then reiterated that there was no significant change to the use of the property; it was just an expansion of the building.

Attorney Smith stated that it was a 4.62 acre site that was located in the Industrial 2 and Industrial 3 zones. He noted that the initial piece of property had been purchased in 1988 and that a Building Permit had been issued to construct the building. He went on to say that a significant part of the rear portion had been purchased in 1988. Attorney Smith pointed out that the operation of the storage piles had been there for about 20 years. He then stated that another smaller piece in the rear had been purchased in 2005 and that it was used for storage of material.

Attorney Smith stated that the applicant had tried to maintain a buffer between his property and the residential properties that abut the south side of the property. He went on to say that the applicant also maintained an existing landscaped area with White Pines and Herbavitae along the perimeter of the property. He then distributed two photographs: one from the edge of the existing building looking south along the property; and another of the view across the road.

Attorney Smith stated that the applicant did not anticipate needing any additional parking spaces for his employees. He went on to say that he had proposed gravel in front of the building to allow equipment to go in and out. He then noted that the applicant had proposed no additional landscaping, but that he was willing to tweak whatever issues the Commission had in terms of the property.

Attorney Smith referred to Mr. O'Leary's comments and addressed some of them as follows.

- How the parcel was created: Attorney Smith reiterated that the initial parcel and a significant portion in the rear had been purchased in 1988 and a smaller portion in the rear had been purchased in 2005.
- Mr. O'Leary had requested a 35 foot wide buffer where the parcel abutted Residential property. Attorney Smith stated that there had no objection to doing so.
- Lighting Plan: Attorney Smith stated that the applicant was proposing no new outdoor lighting
- Landscaping Plan: A new Landscaping Plan had not been proposed, because it was a fairly heavily landscaped site in terms of the perimeter and the proposed building would not add or take away from that because of its location in the center of the site.

- Movable Storage Container: Attorney Smith stated that there was some concern regarding the movable storage containers and wood pile and whether they should be moved 10 feet back from the property line. He went on to say that they had probably been there for 20 years and that there had probably been no 10 foot requirement at that time. He then stated that, if the Commission wanted them moved, the applicant would have no problem doing so and continuing the plantings in that area.

Attorney Smith commented that he had gone back to try to find the minutes on the approval of the site and what had been in the approval and what hadn't, but he had been unable to find them. He went on to say that a Building Permit and Certificate of Occupancy had both been issued and that it had gone through the Building Department in 1988. He then pointed out that there had not been any significant improvements to the property in many, many years.

Attorney Smith referred to Mr. Steele's comments and stated that there was nothing that had caused them any great concern.

Attorney Smith stated that they had received all of the necessary comments from Fire and Police. Chairman Gannuscio questioned whether comments had been received from Fire. Ms. Rodriguez stated that she had received them.

Attorney Smith referred to Mr. O'Leary's comment about providing a gravel surface around the entire building and stated that that would not be a problem.

Chairman Gannuscio asked the Commission members for any questions. They had none.

Chairman Gannuscio asked Mr. Norton for any comments. Mr. Norton stated that there was nothing that was insurmountable; they were minor issues to address. He went on to say that the applicant had preferred not to do the gravel around the building, but that he would do it if that was what the Commission wanted.

Chairman Gannuscio asked Ms. Rodriguez if it was one of the sites that had come up in complaints to her office. Ms. Rodriguez replied that it was not.

Attorney Smith noted that there had been some issues related to the Sluzinski property and that the Connecticut Department of Environmental Protection (DEP) had visited both the Sluzinski property and the property in question. He went on to say that the DEP had found no violations on the property in question.

Attorney Smith commented that the applicant was not proposing any floor drains. Mr. Norton stated that the existing floor drains were going to be tied into a new oil/water separator and then into the sewer.

Chairman Gannuscio read the following from Gary Kuczarski's, Water Pollution Control Facility Superintendent, May 31, 2008 comments:

- “- What activities will take place in building, i.e., vehicle, equipment maintenance, etc.?
 - If so, will or are there any floor drains which will be connected to the sanitary sewer?
 - A 1,000 gallon exterior sand/oil/water separator may be required.
- *Witnessed truck being power washed in black top area 12/08.”

Attorney Smith stated that no new floor drains were going to be installed and that they were installing a new 1,000 gallon oil/water separator for the existing floor drains. He then noted that the applicant did not offer power washing as part of his business.

Chairman Gannuscio asked Mr. O'Leary to go through his comments. Mr. O'Leary stated that he would highlight the items that he felt still needed to be addressed. He then referred to his two memorandums dated February 4, 2009 and March 9, 2009. He explained that the reason for the revised memorandum was that they had received a revised plan dated February 19, 2009.

1. Mr. O'Leary stated that the applicant was looking for building addition approval, but that it was really a building addition approval and an approval of the activity on the back parcels, because that had never gone before the Commission. He commented that it was really a two-fold application.
2. Mr. O'Leary referred to the buffering to the neighbors and stated that a 35 foot buffer was required between Industrial and Residential uses. He went on to say that some of the existing buffer was at 30 feet and that it was fairly well wooded. He then stated that a 35 foot buffer should be drawn on the map and the area devoid of landscaping should be enhanced with evergreen, year-round screening.
3. Mr. O'Leary stated that the Regulations required a 10 foot wide landscaped area around all Business and Industrial parcels. He went on to say that some areas had it, but that he was not sure that that was the case for the entire periphery of the lot. He then suggested that, if the Commission was comfortable with it, it be a condition of approval and that it might require a site visit by staff in the spring.
4. Mr. O'Leary referred to the drivable surface around the building and stated that it should be addressed as a potential conditions.

5. Mr. O'Leary noted that the applicant had stated that there were no signs or outdoor lighting. He then encouraged the Commission to consider, as another condition, "no additional signs or outdoor lighting are permitted without the approval of the Commission".
6. Mr. O'Leary commented that according to the GIS maps and Town Assessor's records there were three parcels and that they were never legally merged into a single parcel. He went on to say that they had a building proposed across the property lines and that prior to a Building Permit being issued a plan merging the parcels into a single lot should be submitted and that that should also be considered as a potential condition.

Mr. O'Leary commented that there was a lot more information regarding storage areas on the new plan, but that in the aerial photographs there were also a lot of vehicles shown on the site. He then clarified that the vehicles all pertained to the business operation. Attorney Smith stated that that was correct. Mr. O'Leary asked if all of those vehicles would now be located in the building. Attorney Smith replied that they would not; there were too many to locate them all inside. He went on to say that they would locate some of the large trucks inside the building. Mr. O'Leary pointed out that the outdoor vehicle parking was not shown on the plan. Mr. Norton asked Mr. O'Leary if he would like it to be shown on the plan. Mr. O'Leary replied that he wanted it shown on the plan.

Attorney Smith suggested that they do a Certificate of Merger and record a boundary survey. He then stated that they would be happy to make that a condition of approval.

Attorney Smith stated that they also agreed to the following conditions of approval:

- the 35 foot buffer on the Residential area; and
- the 10 foot area on the rest maintained.

He went on to say that he did not think there would be any problem moving the storage bins and wood pile 10 feet off the property line. Attorney Smith commented that he had not talked to his client about moving the block wall, but that they would agree to it. He went on to say that after speaking to his client about it he might have to come back to the Commission to discuss it further. Chairman Gannuscio asked if the block wall was holding back any incline or feature. Mr. Norton replied that it was just retaining material.

Mr. O'Leary commented that when they compared the 2002 and 2008 air photos there was a tremendous difference in what was going on in the back of the property.

Chairman Gannuscio asked Mr. Steele to go through his comments. Mr. Steele referred to his March 9, 2009 letter which identified the following four suggested conditions:

- “1. The plans do not indicate finished surface treatments around the building addition. The south side of the building proposes overhead doors. The plans shall delineate a gravel or paved area for vehicle access. Provide construction detail for proposed surface treatment.
2. The downspout at the northeast corner of the addition is discharging roof drainage close to the abutting property. Relocate the downspout to the west to keep runoff on the subject parcel.
3. The developer shall provide the Town an E&S bond in the amount of \$2,000 prior to start of construction.
4. The developer shall provide an as-built survey in accordance with section 705.F.10 and a digital copy of the as-built in accordance with section 1102.A.12, prior to issuance of a certificate of occupancy.”

Mr. Steele noted that he had visited the site and had not seen a lot of signs of erosion; it seemed stable. He went on to say that he was satisfied with the calculations that he had received. He then commented that there were a lot of vehicles on the site for just a few employees.

Attorney Smith stated that the applicant maintained two crews (one three-man crew and one four-man crew). He went on to say that the applicant had been at his business for a lot of years and had probably accumulated a lot of vehicles and equipment that he used periodically. Mr. Steele stated that he was not really concerned about it; he just wanted to pass along his observation.

Attorney Smith stated that they had no problem with any of Mr. Steele's comments and were okay having them as conditions of approval.

Chairman Gannuscio asked Mr. Steele if he had a preference about how the ground should be treated around the building; was gravel okay. Mr. Steele replied that the applicant preferred gravel and that that would be acceptable; pavement would be better, but gravel was acceptable.

Chairman Gannuscio asked Ms. Rodriguez for any comments. She had none.

Chairman Gannuscio read the following from the December 10, 2008 memorandum from the Fire Marshal:

“Please be advised that the review of the site plans and applications for the project at 11 Northgate disclosed no issues affecting fire apparatus access or fire suppression.”

Chairman Gannuscio stated that he had a copy of the Variance that had been approved for the property on December 1, 2008.

Chairman Gannuscio read the following from the December 11, 2008 memorandum from the Police Chief:

“I have reviewed the above-identified project and have no concerns with the site plan as submitted.”

Chairman Gannuscio referred to Gary Kuczarski’s, Superintendent of WPCF, comments and stated that the concerns had been addressed.

Chairman Gannuscio stated that Scott Lappen, Director of Public Works, comments dated May 31, 2008 indicated that he approved the site plan as submitted.

Chairman Gannuscio asked the Commission members for any further questions. They had none.

Chairman Gannuscio asked for a motion. Mr. Zimnoch moved to approve the site plan modification of WL Quagliaroli LLC for the property located at 11 Northgate Drive with the following conditions:

- Items 1 through 9 listed in Mr. O’Leary’s memorandum dated March 9, 2009; and

- Items 1 through 4 listed in Mr. Steele’s letter dated March 9, 2009.

Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Attorney Smith noted that some of Mr. O’Leary’s comments were regarding landscaping and lighting and then reiterated that no landscaping or lighting was being added. Mr. O’Leary stated that it would require some type of landscape plan and that they just add a note “No Lighting” on the plan.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

OLD BUSINESS:

a. Discussion with Commission and Staff

Chairman Gannuscio asked Mr. O'Leary if he had anything regarding the Zoning Regulations (density, shared parking and a possible village district). Mr. O'Leary replied that he did not. He went on to say that it was something that Patrick McMahon had sent an email about and that Mr. McMahon had wanted to attend the meeting that evening to discuss it, but that he could not make it that evening. He then noted that it was something that was in the Plan of Development. Mr. O'Leary stated that the Commission needed to take a better comprehensive look at the zoning for Main Street. Mr. Gannuscio suggested that they carry the discussion forward to the April meeting and asked the Recording Secretary to add it to the April agenda.

Chairman Gannuscio referred to the election signs and asked if there was anything that needed to be discussed that evening. Mr. O'Leary stated that he was putting together a packet of information and would get it to the Commission for the April meeting. Mr. Gannuscio stated that they would carry that discussion forward to the April meeting as well and asked the Recording Secretary to add it to the April agenda.

NEW BUSINESS:

a. **Public Input**

Attorney Smith addressed the Commission and stated that Doris McAusland from the Congregational Church on Main Street was also present. He then distributed a map titled "Parking Consolidation Option, Main Street Parking Study" to the Commission and staff. He went on to say that the Church had looked at the Town's plan regarding a comprehensive plan for Main Street which included Dexter Plaza, the Post Office, the convalescence home and the Church. Attorney Smith then stated that the Church was very much interested in working cooperatively with the Town in terms of seeing if they could implement it.

Attorney Smith stated that they wanted to make some accommodations for parking for the Church now. He then noted that as part of the Walgreen's matter the Church had ended up with land behind the Post Office. He went on to say that the Church was interested in expanding their parking facility in the back. Attorney Smith explained that they did not want to put in a bituminous parking lot right now, because they were looking at it as a temporary situation because they wanted to work with the Town in implementing the shared parking.

Attorney Smith asked if the Church could look at putting in some temporary parking of gravel or processed aggregate as a temporary measure. He then asked if the Commission would consider such a plan. He noted that the Church, the nursing home and the Post Office had all endorsed the Town's shared parking plan. The discussion continued briefly.

Mr. Steele asked what the issues were. Attorney Smith replied that the issue was that it would not be paved. Mr. Steele commented that the biggest issue would be the impact to Kettle Brook. He then clarified that the reason for a gravel parking lot was because it would be temporary. Attorney Smith stated that that was correct. Mr. Steele then asked how long the temporary parking would be for. Ms. McAusland stated that the Economic and Industrial Development Committee (EIDC) had said that they could not have anything in place to go forward with the shared parking for at least two years. Mr. O'Leary asked if the parking was needed for Church services. Ms. McAusland replied that that was correct; they needed the parking for Sunday mornings and also that Wednesday evenings were very busy at the Church. She went on to say that there was no way that the Church could get additional parking and a 10,000 square foot building (which was shown on the map) unless there was shared parking. Mr. O'Leary asked if the 10,000 square foot building was a long range plan. Ms. McAusland replied that it was a real long range plan.

Mr. O'Leary commented that there were pavement and drainage issues as well as all the site development standards that were in the Zoning Regulations for parking (landscaping, setbacks, etc.) to consider. Chairman Gannuscio stated that they would have to put some type of time limitation on it. Mr. O'Leary clarified that, if the consolidated plan was not going anywhere in two years, they would then go ahead and redo the parking the way it should be in order to be a permanent lot. Attorney Smith explained that, if the Church were going to devote the dollars to put in a standard parking lot, it would make it less likely that they could work toward the comprehensive plan with Town. He then stated that the Church would be open to a periodic review of the temporary lot. Mr. O'Leary stated that the worst case for the Church would be that the comprehensive plan and shared parking did not happen. He then commented that they needed to talk about that situation and what the Church would do ahead of time. The discussion continued.

Mr. O'Leary asked how many parking spaces they were looking to achieve. Ms. McAusland replied that they were looking to add 40 spaces; they currently only had 35 spaces.

Mr. Steele commented that, if the main issue was could the parking lot be gravel, his feeling was that the Regulations would permit gravel. He went on to say that they needed to know the other constraints on the site and that it was hard to comment on until they saw a layout that took grading, drainage, etc. into consideration.

Chairman Gannuscio asked Ms Rodriguez for any questions. Ms. Rodriguez stated that from a Planning and Zoning standpoint she had no questions, but that from a Wetlands standpoint there could be some wetlands issues.

Mr. O'Leary asked if the land transfer from Walgreens had occurred. Attorney Smith replied that the transfer had occurred about 1 ½ years prior. Mr. O'Leary stated that he agreed with Mr. Steele that they needed to see the whole plan.

Chairman Gannuscio commented that the general consensus was that there was no problem with a temporary parking lot with a non-bituminous material, but that the Commission and staff needed to see more (wetland affects, drainage, etc). The Commission members and staff all agreed.

b. Receive New Applications

Attorney Smith referred to the Sales Auction Company, LLC application for 55 King Spring Road and stated that he had one technical question for Mr. O'Leary. He then noted that he had labeled it as a site plan modification, but that he was not sure if the Commission would consider it a special use permit. Mr. O'Leary stated that that was what they had talked about when Attorney Smith had been in previously for an informal discussion regarding the site. Attorney Smith stated that he could change the application that was on file to a special use permit if that was what the Commission wanted. Chairman Gannuscio and Mr. O'Leary both agreed that it should be a special use permit application. Attorney Smith stated that he would amend the original application and initial it.

Chairman Gannuscio moved to schedule a public hearing on the special use permit application of the Sales Auction Company, LLC for the property located at 55 King Spring Road to April 13, 2009. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio asked if there were any other new applications. Ms. Rodriguez stated that she had received an application for 442 Spring Street. Mr. Gannuscio stated that he only had a letter from Attorney Carl Landolina, he did not have an application. Ms. Rodriguez noted that the application had been dropped off to her

earlier that day. She explained that she had sent out a notice to the Town Registry stating that the M&L public hearing scheduled for that evening had been rescheduled and that the applicant had misunderstood and thought that the meeting had been rescheduled, therefore he had not submitted the application earlier. Mr. Steele was the only other person to have received the application. Mr. O'Leary pointed out that applications were supposed to be submitted two weeks before the meeting so that they could see if it was ready to go to public hearing. A member of the public addressed the Commission and stated that he was involved with the application. He went on to say that the application was just for a site plan review. He then commented that he had gotten notification that the meeting had been cancelled; therefore he had submitted the application that day for the following meeting. Ms. Rodriguez reiterated that the notification had stated that the public hearing had been cancelled, not the meeting. Mr. Gannuscio asked the Recording Secretary to add the application for 442 Spring Street to the April 13, 2009 meeting agenda under Receive New Applications.

c. Home Occupation Discussion – 74 Cornwall Drive

Ms. Rodriguez stated that she had received a fax regarding 74 Cornwall Drive at about 3:50 pm that day. She went on to say that she had initially received a complaint about 74 Cornwall Drive which she had followed up on. She explained that there was a gentleman who operated a tree service and parked his vehicle on the property. Ms. Rodriguez commented that some of the neighbors had complained about the activities that were happening on the site. She went on to say that she had spoken to the gentleman and had asked him about a home occupation (whether or not something was happening on the property) or if he was just parking his vehicle there. The gentleman then had his attorney write a letter. Ms. Rodriguez noted that she was expecting to have a discussion about the home occupation in order to make a determination of what type of application would be needed and instead of that they sent a letter stating that they did not have a home occupation. Ms. Rodriguez commented that she had been told that he went to other properties to do the work and brought the wood back to do the splitting and then that he used the wood for personal use. She then submitted the letter from the attorney to Chairman Gannuscio.

BILLS AND CORRESPONDENCE:

Chairman Gannuscio stated that he had received an email that evening regarding the Troiano property on Elm Street which the Commission had approved for Windsor Locks Oil to move into. He went on to say that they had deferred the sidewalks to a later point in time. Mr. Gannuscio then read the following from a letter from Mr. Troiano's attorney:

“Frank Troiano has completed all the bonded improvements to the site and there was a substantial discussion about the sidewalk issue at the time of approval. Elm Street has tended to extend sidewalks on the south side, but none on the north and the Roncari parcel to the west of this building has not been developed hence there are no sidewalks to connect to as you head west of this parcel.”

Chairman Gannuscio stated that the Commission had deferred the sidewalks on a related parcel to the west of the Troiano property (the Law Office of Chris Kervick) and that they had taken a nonsurety bond for the sidewalks. Mr. Steele stated that that was correct. He went on to say that the recourse that the Town could have if the sidewalks were not put in when it was deemed appropriate by the Town would be to lien the property.

Chairman Gannuscio stated that the original bond was to secure the sidewalks and the landscaping and that the landscaping had all been put in place. He went on to say that the request before the Commission was to release that bond and take back a nonsurety bond for the installation of the sidewalks. Mr. Gannuscio asked Ms. Rodriguez if she had inspected the property and if she had found that all of the landscape improvements had been put in place. Ms. Rodriguez replied that she had inspected the property and everything was in place.

Chairman Gannuscio asked Mr. Steele if he saw any problem in releasing the bond and taking a nonsurety bond similar to what they had done with the Kervick property. Mr. Steele stated that it would be consistent. He went on to say that the only problem would be when it came time to actually have them install the sidewalk and they did not do it the only option would be for the Town to lien the property or take them to court (which would probably cost more than the sidewalks). Mr. Steele then noted that it would be a fair way to handle it. Mr. Gannuscio commented that he felt that it would be consistent and that with sidewalks running the length on the opposite side of the street it would probably be safer to leave it as it was at least until there was some type of comprehensive plan for sidewalks on the north side. He then agreed that it would be fair to take back the bond and issue a nonsurety bond for the sidewalk.

Chairman Gannuscio asked the Commission members for any comments. Everyone agreed to release the bond and take a nonsurety bond for the sidewalk. Mr. Steele noted that the last time they had done a nonsurety bond the Town Attorney had reviewed the final wording and then it had been filed on the land records. Mr. O’Leary asked if they had stated when Attorney Kervik had to put the sidewalk in the last time they had done a nonsurety bond. Ms. Rodriguez read the following from the minutes of the meeting at which they had discussed the Kervick sidewalks:

“...within no more than 90 days of the installation of the sidewalks on the adjoining site.”

It was agreed that the Commission should use the same wording for the Troiano site.

Chairman Gannuscio moved to allow the deferral of the installation of sidewalks on the site located at 556 Elm Street until within no more than 90 days of the installation of sidewalks on the adjoining sites. As the assurance for the Town’s benefit that the sidewalk would eventually be installed the Commission would accept a nonsurety bond to cover the cost. The form of the bond to be subject to the review and approval of the Town Attorney and the amount of the bond subject to the review and approval of the Town Engineer. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio stated that the Commission’s budget had been approved by the Board of Finance as it had been submitted. He went on to say that he had submitted the same amounts that they had for the previous year. He then noted that he had taken some money out of the Professional Development line to offset the additional amount in the Advertisements line. Mr. Gannuscio commented that the Board of Finance had said that they were trying to keep the budgets at a 0% increase.

Chairman Gannuscio noted that he would be mindful of the excessive amount of time that Mr. O’Leary put in for the Commission and that he would do his best to keep closer tabs on it. He went on to say that, if Mr. O’Leary was expending a lot more time than he was being paid for, he would go back to the Board of Finance. Mr. Gannuscio then commented that professional services should be paid for as professional services and not discounted. The discussion continued briefly regarding the amount of time that Mr. O’Leary put in for the Commission and also the Town Engineer’s time.

Chairman Gannuscio stated that Ms. Ramsay had mentioned that it was time to nominate a new CRCOG representative. He then asked if anyone else was interested in being the CRCOG representative or if Ms. Ramsay would be willing to continue in that role. Ms. Ramsay stated that she would be willing to continue as the CRCOG representative.

Chairman Gannuscio nominated Ms. Ramsay to continue to be the representative to CRCOG. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio thanked Mr. Scarfo for attending the meeting that evening as an alternate as Mr. Tatro had done for the past two years before becoming a regular Commission member.

Chairman Gannuscio stated that he had received a bill for Mr. O’Leary’s January/February, 2009 retainer in the amount of \$3,333. He then moved to approve Mr. O’Leary’s bill in the amount of \$3,333. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio asked the Commission members and staff for anything else for discussion. Mr. O’Leary stated that he had started to put together an implementation schedule of items that had been identified in the Plan of Conservation and Development. He went on to say that he wanted to bring that schedule to one of the next Commission meetings so that the Commission could prioritize them, therefore as time permitted they could start to look at those issues and possibly have a workshop session in the spring to address some of the them. Mr. Gannuscio commented that when they did come up with the final schedule they should forward it to the Board of Selectmen as well.

Chairman Gannuscio asked the Commission members and staff for anything further. They had nothing.

Chairman Gannuscio moved to adjourn the meeting. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 9:20 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month’s meeting minutes for official approval of these minutes and any amendments or corrections that were made.